

Lowell Zoning Board of Appeals Minutes

August 9, 2021 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Chairman Perrin, Member Pech, Member Callahan, Member Briere, Member Procope

Members Absent: Member McCarthy, Member Njoroge

Others Present: Francesca Cigliano, Senior Planner

The following represents the actions taken by the Zoning Board of Appeals at the 7/26/2021 meeting. This meeting was held in the City Council chambers. However, due to the COVID-19 pandemic, attendees had the ability to participate via Zoom as permitted by the Governor's 3/10/2020 emergency order to suspend certain provisions of the Open Meeting Law.

Chairman Perrin called the meeting to order at 6:30 PM

Continued Business

ZBA-2021-21

Petition Type: **Variance**

Applicant: **Larkin Real Estate Group**

Property Located at: **380 Lawrence Street, 01852**

Applicable Zoning Bylaws: **Section 6.1**

Petition: **Larkin Real Estate has applied to the Zoning Board of Appeals seeking Variance approval to construct a 3-story, 35-unit Lodging House at 380 Lawrence Street. The property is located in the Neighborhood Business (NB) zoning district and requires Variance approval per Section 6.1, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Michael Larkin, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and V. Pech seconded the motion to accept the applicant's request to withdraw their application without prejudice. The motion passed unanimously, (5-0).

New Business

ZBA-2021-27

Petition Type: **Variances**

Applicant: **George & Sheila Welch**

Property Located at: **77 Constance Drive 01854**

Applicable Zoning Bylaws: **Section 4.3.5(4); Section 5.1**

Petition: **George K. Welch and Sheila M. Welch have applied for variance approval to legalize an existing shed and mudroom that were constructed without the benefit of a permit at 77 Constance Drive. The property is located in the Suburban Neighborhood Single Family (SSF) zoning district and requires Variance approval for relief from the shed setback per Section 4.3.5(4), relief from the side yard setback per Section 5.1, and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Kenneth Welch, the Applicant

K. Welch said that he had purchased the home in 1987. The shed was constructed in 1993 and the mudroom was constructed in 1995. Both structures were constructed within the property line. He was unfamiliar with zoning requirements. In spring 2020, they received notice from Inspectional Services that both structures require variances from the ZBA.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech commented that the structures do not affect the neighborhood in a negative way. Variances would rectify the issue. He has no objections.

S. Callahan said that the requested relief is minimal. The neighbors are in agreement as well. He would be in favor.

M. Briere said that the relief is minimal and that he would support the application.

G. Procope added that this seems to have been a procedural oversight that has no impact to the neighborhood.

G. Perrin said that he had no further questions or comments.

Motion:

S. Callahan motioned to approve the Variances. M. Briere seconded and the motion passed unanimously, (5-0).

ZBA-2021-29

Petition Type: **Special Permit**

Applicant: **Margaret Fitzpatrick**

Property Located at: **680 Rogers Street 01852**

Applicable Zoning Bylaws: **Section 12.4**

Petition: **Margaret Fitzpatrick is seeking a special permit to operate a dog kennel and grooming service. The property is located in the Regional Retail (RR) zoning district. The applicant is applying for Special Permit approval under Section 12.4, and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Margaret Fitzpatrick, the Applicant

M. Fitzpatrick said that they were looking for a space with outdoor space. The location served all of their needs. There is room for multiple playrooms and a room for nap time. The back parking lot is 1000 sq. ft. and they were able to convert it into a play yard for the dogs with stone and astroturf. They also have various activities for the dogs such as pools and a sandbox. The parking lot was not in good shape when they got there. It had trash and pieces of random stuff. They got rid of all that, cleaned it up, and put a play yard down. They realized that doggy daycares did not exist in that area of Lowell, and existing daycares were pretty full. It seemed like finding a place in Belvidere was the right decision. 2/3 of clients live in Belvidere and have been grateful that this is something that came to their part of the City. They opened in April and did not have the correct permits, but have since filled out the proper forms. They are now here asking for a special permit from the ZBA.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Perrin thanked the applicant for the background information. He agreed that the property was becoming an eyesore and complimented the applicant for the work they have done to renovate and beautify the property.

Motion:

S. Callahan motioned and G. Procope seconded the motion to issue the Special Permit. The motion passed unanimously, (5-0).

ZBA-2021-30

Petition Type: **Special Permit**

Applicant: **Chrysant Tran**

Property Located at: **15-19 Grand Street**

Applicable Zoning Bylaws: **Section 12.1(b)**

Petition: **Chrysant Tran is seeking a Special Permit to construct a two-family residential structure on the vacant lot at 15 & 19 Grand Street. The subject property is located in the Urban Mixed-Use (UMU)**

zoning district. This application requires Special Permit approval from the Lowell Zoning of Appeals per Article 12.1(b) for the use, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Catherine Flood, Attorney for Applicant
Matt Hamor, Applicant's Engineer

C. Flood said that the applicant is requesting Special Permit to construct a duplex with the required parking in the UMU zoning district. It is currently a vacant lot. The proposal would comply with zoning requirements except for the front yard setback. The applicant is proposing more trees along the lot lines. More privacy in the backyard will allow the future residents to use the deck. This proposal will clean up a vacant lot and create new housing in close proximity to the train station. The property is eligible for tree trees from MA DCR. The new plan shows new shade trees. The proposal does not pose any negative impacts to the environment and would have sufficient green space and trees. C. Flood presented a petition in favor of the application with 151 signatures of Lowell residents.

M. Hamor presented the updated site plan to the Board.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

M. Briere said that he thinks this is a great plan. It is a win-win. It develops a vacant lot and provides new housing. He is looking forward to seeing the project complete.

G. Procope said that he agrees with Mark. Looking at the neighborhood, it would only beautify the area. The location is close to amenities, the train, Boys and Girls Club, and improves the neighborhood overall. He thinks it will be a great project.

S. Callahan said that this is a very well put-together project. He asked the applicant why they are unable to bring the building closer to the street. The applicant stated that the 20ft setback is necessary to provide parking spaces in front of the building, and that there would be more open space with this configuration. S. Callahan agreed that this would be the best way to redevelop the lot.

G. Perrin said that this would be a great reuse of the lot. He has received many phone calls all in favor of this petition speaking highly of the applicant's business. He thanked the applicant for adding more living and coming up with a great plan. He thanked the applicant on behalf of people who called. The applicants are clearly caring community people. He is in favor of the petition. It will serve the city for years to come.

Motion:

S. Callahan motioned to approve the Special Permit. The motion was seconded by V. Pech and passed unanimously, (5-0).

S. Callahan motioned to approve the Variance for the front yard setback pursuant to Section 5.1. The motion was seconded by V. Pech and passed unanimously, (5-0).

Other Business

Minutes for Approval

July 26, 2021

S. Callahan motioned to accept the minutes. M. Briere seconded the motion and it passed unanimously (5-0).

Announcements

Adjournment

S. Callahan motioned and V. Pech seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0).